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JAN 31 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:	Docket No.:	2771-643 (7496)
Applicants:	Conf. No.:	9457
Application No.:	Art Unit:	1751
Date Filed:	Examiner:	WEBB, Gregory E.
Title:	Customer No.:	25559
COMPOSITIONS AND METHODS FOR HIGH- EFFICIENCY CLEANING OF SEMICONDUCTOR WAFERS		

FACSIMILE TRANSMISSION CERTIFICATE

ATTN: Examiner Gregory E. WEBB

Fax No. (703) 872-9306

I hereby certify that this document is being filed in the United States Patent and Trademark Office, via facsimile transmission to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **January 31, 2005**, to United States Patent and Trademark Office facsimile transmission number **(703) 872-9306**.

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Number of Pages (including cover)

Joanna Joslyn

January 31, 2005

Date _____

**RESPONSE TO RESTRICTION REQUIREMENT IMPOSED IN JANUARY 3, 2005
OFFICE ACTION IN U.S. PATENT APPLICATION NO. 10/602,172**

**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

Sir:

This responds to the January 3, 2005 Office Action in the above-identified application.

BEST AVAILABLE COPY**Elections/Restrictions**

In the January 3, 2005 Office Action, the Examiner imposed a restriction requirement against claims 1-96, and required that an election be made between:

Group I: Claims 1-48, drawn to compositions for cleaning semiconductors, classified in class 510, subclass 175; and

Group II: Claims 49-96, drawn to method of cleaning semiconductors, classified in class 134, subclass 22.12.

Applicants hereby elect, with traverse, Group I claims 1-48, drawn to compositions for cleaning semiconductors.

The traversal is based on the fact that the rationale for the restriction is in error. The composition for cleaning semiconductors in Group I claims 1-48, as broadly set out in claim 1, is identical to the composition required in the method claims 49-96 of Group II, as broadly set out in claim 49.

This is readily apparent from a comparison of Group I claim 1 and Group II claim 49:

"1. A composition for cleaning semiconductor wafers, wherein the composition includes supercritical fluid and at least one additive selected from the group consisting of:

- (I) fluoro species; and**
- (II) primary and/or secondary amine(s)."**

"49. A method of cleaning of a semiconductor wafer, comprising contacting the semiconductor wafer with a supercritical fluid-based cleaning composition including supercritical fluid and at least one additive selected from the group consisting of:

- (I) fluoro species; and**

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It is apparent from the foregoing that the composition required in each case includes supercritical fluid and at least one of the (I) and (II) additives.

Accordingly, the statement in the Office Action that the process "can be practiced with another materially different product" is seen to be incorrect.

Further, the examiner's statement that "[I]n the instant case various compounds and compositions are suitable for cleaning semiconductors including pure water" has no relevance to the fact that there is an identity of composition between the broad composition and method claims, as shown above. The fact that pure water is a cleaning agent for semiconductors in no way demarcates the Group I claims 1-48 and Group II claims 48-96 as "independent and distinct," as is required by the statute as a proper basis for restriction.

Contrariwise, the identity of the composition between the Group I and Group II claims clearly evidences that the subject matters of the respective groups are NOT independent and distinct, but rather are closely interrelated in respect of one another.

For these reasons, it is requested the restriction requirement be withdrawn, and that all Group I and Group II claims 1-96 be retained in consolidated form for further examination and prosecution on the merits.

If the restriction requirement, between claims directed to composition for cleaning semiconductors and claims directed to method of cleaning semiconductors is nonetheless made final, applicants alternatively request rejoinder of method claims 49-96 under the provisions of MPEP §821.04 upon confirmation of allowable subject matter of the composition claims 1-48.

Such rejoinder is fully proper under these circumstances for the following reasons.

When an application as originally filed discloses a product and the process for making and/or using such product, and only the claims directed to the product are examined, when a product claim is found allowable, applicant may then present claims directed to the process of making and/or using the patentable product for examination under the rejoinder procedure of MPEP

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§821.04, provided that the process claims depend from or include all the limitations of the allowed product claims.

Accordingly, consistent with the provisions of MPEP §821.04, if claims 49-96 are withdrawn by the examiner, then the product claims 1-48 are subsequently found allowable, it is requested that the withdrawn method claims 49-96 are properly rejoined for examination.

Conclusion

Based on the foregoing, pending claims 1-96 are in form and condition for examination. If any additional issues remain, the Examiner is requested to contact the undersigned attorney at (919) 419-9350 to discuss same.

Respectfully submitted,



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